



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF  
SR-6J

**MEMORANDUM**

**SUBJECT:** INFORMATION MEMORANDUM - Background Information Regarding 40 C.F.R. 761.61(c) Risk-Based Approval for Off-Site Disposal of Dredged Sediment from the Plainwell Impoundment Time-Critical Removal Action

**FROM:** Michael Ribordy, On-Scene Coordinator  
Emergency Response Branch 2 - Section 3

**THRU:** Linda M. Nachowicz, Chief  
Emergency Response Branch 2

**TO:** Richard C. Karl, Director  
Superfund Division

On June 28, 2007, in accordance with Paragraph 67 of the *Consent Decree for the Design and Implementation of Certain Response Actions at Operable Unit #4 and the Plainwell Inc. Mill Property of the Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site* (CD), Docket No. 1:05CV003, Weyerhaeuser Company (Weyerhaeuser) notified the United States Environmental Protection Agency (EPA) of its determination that certain work to be undertaken by Millennium Holdings, LLC and Georgia-Pacific, LLC under the *Administrative Settlement Agreement and Order on Consent for Removal Action at the Plainwell Impoundment Area of the Allied Paper/Portage Creek/Kalamazoo River Superfund Site* (Settlement Agreement) "are actions and occurrences which threatened a release of waste material, as that term is defined in the [CD], from the Plainwell Mill Property, and that such a release may present an immediate threat to public health or welfare or the environment."<sup>1</sup>

In its June 28, 2007 letter, Weyerhaeuser also proposed undertaking an Emergency Action to "prevent, abate, or minimize" the potential release of waste material from the Plainwell Mill Property.<sup>1</sup> On June 29, 2007, EPA, based on Weyerhaeuser's determination and in accordance with Paragraph 67 of the CD, authorized Weyerhaeuser to conduct such response activities as were necessary to "prevent, abate, or minimize" the potential release of waste material.<sup>2</sup>

On November 12, 2007, Weyerhaeuser began dredging polychlorinated biphenyl (PCB) contaminated waste materials from the banks, floodplains, and sediment of the Kalamazoo River adjacent to the Plainwell Mill Property. A concentration goal of 1 part per million (ppm) total PCBs was set for this action. Dredged waste material was separated into two piles based on historical in-situ PCB sampling (one pile for waste material with a total PCB concentration equal

US EPA RECORDS CENTER REGION 5



406906

to or greater than 50 ppm and the second for waste material with a total PCB concentration less than 50 ppm). At the completion of excavation activities, the excavated areas were backfilled and armored. Areas where circumstances prevented or made excavation imprudent were not excavated, but were armored. An approximate total of 4,000 cubic yards of less than 50 ppm PCB waste material and an approximate total of 50 cubic yards of equal or greater than 50 ppm PCB waste material were dredged and are currently staged at the Plainwell Mill Property. Weyerhaeuser proposed, in its April 16, 2008 letter, two facilities where this dredged waste material would be transported to for disposal. Weyerhaeuser proposed to dispose of dredged waste material with a total PCB concentration less than 50 ppm in a solid waste landfill, and the waste material with total PCB concentration equal to or greater than 50 ppm in a Toxic Substances Control Act (TSCA) approved landfill.<sup>3</sup>

Initial conversations with the EPA Region 5 PCB Coordinator (PCB Coordinator) were based around the assumption that the source of the dredged waste material was a release prior to 1978, which allowed the exclusion of dredged waste material with total PCB concentrations less than 50 ppm from being considered PCB Remediation Waste under TSCA. Subsequent conversations among site staff revealed that a strong possibility exists that PCB-contaminated materials came to be located on the Plainwell Mill banks as a result, at least in part, of erosion from significant upstream source areas after 1978. I thereafter participated in further discussions with the PCB Coordinator. These additional discussions yielded two possibilities to make Weyerhaeuser's proposed disposal plan for waste materials containing less than 50 ppm acceptable under TSCA: the licensed and permitted solid waste landfill may request a coordinated approval pursuant to 40 C.F.R. § 761.77, or Weyerhaeuser could provide proof that the PCB-contaminated materials on the Plainwell Banks are a result of a pre-1978 release and subsequently not considered PCB Remediation Waste, as defined in 40 C.F.R. § 761.3.

Weyerhaeuser subsequently asserted that the dredged waste material with concentrations less than 50 ppm PCB was excluded from the definition of PCB Remediation Waste. Weyerhaeuser predicated its argument on: (1) A 1977 report prepared for EPA by Versar, Inc. that discussed the pulp and paper industry generally: *PCBs Involvement in the Pulp and Paper Industry* ("Versar Report"); (2) a 1990 EPA guidance, *Guidance on Remedial Actions for Superfund Sites with PCB Contamination* (July 1990) ("PCB Guidance"), and (3) an order of magnitude estimate of PCB concentrations based on water quality samples. The Versar Report provided a basis for their assertion that, in general, paper mill effluents after 1975 did not contain PCB concentrations greater than 50 ppm. The Versar Report did not contain, however, specific data regarding: (1) the mills on the Kalamazoo River; (2) continuing releases to the River from landfills and other source areas containing waste paper residuals contaminated with high concentrations of PCBs; or (3) the dates of any such continuing releases. The PCB Guidance referenced by Weyerhaeuser was issued prior to the promulgation of the 1998 amendment to TSCA, commonly referred to as the Mega Rule, and consequently was not considered pertinent to the discussion. The order of magnitude estimate of PCB concentrations using water quality samples does not provide actual data on the releases due to erosion from the various upstream disposal areas. Because ambiguity still exists in the source of PCBs, PCB concentration at release, and date of release, EPA still considers all of the dredged material, from this action to be PCB Remediation Waste.